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Rec'd PCT/PPO

12 AUG 2005

188.575

10/532780

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
H. Engelhardt, et al.
Serial No.: 10/532,780
Filed: 04/22/2005
For: FINGER ... ENGINE

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Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 17 2005

OFFICE OF PETITIONS

Sir:

Helmut Engelhardt, a citizen of Germany, residing at Schumannstrasse 30, 91074 Herzogenaurach, Germany and Johann Kecker, a citizen of Germany, residing at Hauptstrasse 1, 91074 Herzogenaurach, Germany, hereby depose and say:

That they are the original and first joint inventors together with Jorg Michel, a citizen of Germany residing at Unterleupoldsberg 4, 95131 Schwarzenbach am Wald, Germany of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FINGER LEVER OF A VALVE TRAIN OF AN INTERNAL COMBUSTION ENGINE

We hereby state that we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

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We acknowledge the duty to disclose information known to us to be material to the examination of this application as defined by 37 CFR 1.56.

**FOREIGN AND DOMESTIC PRIORITY CLAIMS UNDER 35 USC 119
AND PRIOR FOREIGN/PCT APPLICATIONS**

I hereby claim foreign or domestic priority benefits under 35 USC 119 or 365(b) for any United States provisional patent application or foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or under 35 USC 365(a) for any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s) or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY/APPLICATION NO. (if PCT, indicate "PCT")	DATE OF FILING (month/day/year)	PRIORITY CLAIMED UNDER 35 USC 119	
PCT/EP03/11344	10/24/03	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Germany DE 102 49 561.2	10/24/02	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
		<input type="checkbox"/> YES	<input type="checkbox"/> NO

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under 35 USC 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first



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paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:111

PCT/US APPLICATION NO.	PCT/US FILING DATE	PATENTED	PENDING	ABANDONED
		[]	[]	[]
		[]	[]	[]
		[]	[]	[]
		[]	[]	[]

That Ina-Schaeffler KG is the Applicant in the above-identified international application.

That Ina-Schaeffler KG acquired the invention described and claimed in the international application and is the Applicant of the German application.

That Helmut Engelhardt and Johann Kecker have executed a document confirming that their rights in the invention belong to INA-Schaeffler KG.

That the other inventor Jörg Michel was named as joint inventor of the invention described and claimed in the above-identified German application.

POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

I hereby appoint the following attorneys at the address listed below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office



connected therewith and to receive all correspondence in connection with this

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application:

(1)

Charles A. Muserlian, Registration No. 19,683

ADDRESS: Hedman and Costigan, P.C. CUSTOMER NO. 47888
1185 Avenue of the Americas
New York, NY 10036
Tel: 212-302 8989
Fax: 212-302 8998

I hereby declare that all statements made herein of my own knowledge are true and that
all statements made on information and belief are believed to be true; and further that
these statements were made with the knowledge that willful false statements and the like
so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that
such willful false statements may jeopardize the validity of the application or any patent
issued thereon.

Inventor Helmut Engelhardt Date 2005-08-05
110 Helmut Engelhardt

Inventor Johann Kecker Date 2005-08-05
209 Johann Kecker

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DECLARATION

Commissioner for Patents
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Sir:

Matthias Becker hereby deposes and says

That he is an employee of INA-Schaeffler KG in the patent department and is responsible for the above patent application.

That Jörg Michel submitted an invention disclosure concerning the invention claimed in the above application which was accepted under the German law by a letter dated September 17, 2002 as can be seen from Exhibit A submitted herewith with an English translation thereof.

That the above application, declaration and assignment were submitted to Mr. Michel by a letter of Mr. Becker of April 20, 2005 (Exhibit B and translation) for signature to which there was no response by Mr. Michel.

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That Mr. Becker followed up with Mr. Michel by a letter of June 1, 2005 requesting that the executed documents for the above application be returned as soon as possible (Exhibit C and translation).

That to date, Mr. Michel has refused to execute the application which under German law belongs to INA-Schaeffler KG as can be seen from exhibit D.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Matthias Becker